

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 20, 1996

ALL COUNTY LETTER 96-54

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

- ☐ State Law Change
- ☒ Federal Policy Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: UPDATE TO FOOD STAMP PROGRAM INSTRUCTIONS FOR THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 (PRWORA) REGARDING ALIEN ELIGIBILITY

REFERENCE: ALL COUNTY LETTER (ACL) 96-51

The purpose of this letter is to update ACL 96-51 dated September 18, 1996. Advance copies of this ACL were issued to all County Welfare Directors and Food Stamp Coordinators on September 18, 1996. By letter dated September 19, 1996, the United States Department of Agriculture, Food and Consumer Service (FCS) revised its instructions regarding the alien eligibility requirements for currently certified households. The new instructions differ significantly from the earlier instructions and now provide that California does not need to apply the alien eligibility requirements to currently certified households until further instructions are issued by FCS.

However, new applications dated September 22, 1996 and later are still subject to the new provisions contained in the ACL. Therefore, County Welfare Departments (CWDs) are to proceed as instructed in ACL 96-51 (attachment I, page 2) for new applications. CWDs should use the attached stuffer notice (TEMP FS16 Rev.1) for notification to current recipients and discard the TEMP FS16 which was transmitted with ACL 96-51. Households that are currently receiving food stamps are not subject to the new provisions regarding alien eligibility until further instructions are received from FCS and issued by CDSS. Pending further instructions on this caseload, CWDs are advised to flag current cases which are recertified after September 22, 1996.

In addition, new instructions have been received from FCS concerning the deeming of sponsor's income and resources for the purposes of determining eligibility. Until such time that further instructions are received from FCS, the current deeming regulations (M.S. 63-503.49) are to be applied rather than the instructions in ACL 96-51 (attachment I, page 5).

If you have any questions or require further assistance, contact the Food Stamp Policy Implementation Unit at (916) 654-1896.

A handwritten signature in cursive script, appearing to read "Bruce Wagstaff".

BRUCE WAGSTAFF

Deputy Director

Welfare Programs Division

Attachment

## NOTICE TO ALL FOOD STAMP RECIPIENTS IMPORTANT -- PLEASE READ

Effective **September 22, 1996**, Federal Food Stamp laws changed. The new rules may change the amount of your food stamp benefits or whether you can continue to get food stamps. The amount of your food stamp benefits depends on your household status. You will get a separate notice if your eligibility ends or your food stamp allotment changes.

The new rules are:

Children under the age of 22, who live with their parents, can no longer have separate food stamp cases.

The earned income of students age 18 and older is counted.

Food Stamps will not be increased if your cash aid decreases because you did not do something you were required to do to get your cash aid. This applies to all Federal, State and local public assistance programs (such as AFDC and GA/GR).

### Food Stamp Fraud Penalties

If you are convicted of an Intentional Program Violation, for having given wrong facts or incomplete facts, you can be disqualified for **one year** for the **first violation** and **two years** for the **second violation** and **forever** for the **third violation**. If you are found guilty in any court of law of having traded food stamps for a controlled substance, you will be disqualified for **two years** for the **first violation** and **forever** for the **second violation**.

If you trade or sell food stamps worth \$500 or more, you can be disqualified **forever**.

Your food stamps can be stopped for **10 years** if you are found to have filed more than one application at the same time and have given false identification or residence information.

If you are fleeing a felony arrest warrant or you are a parole or probation violator, you are **not** eligible to get food stamps.

### Work Requirement Penalties

There are new Work Requirement Penalties effective **September 22, 1996**. If you are required to meet any of the food stamps work rules and you do not meet them, you can be disqualified for a period of time. You can be disqualified even if you are not the head of the household or you do not have the most income. If you are disqualified, other members of your household can still get food stamps if they are eligible.

The food stamp work rules say you must:

- **Keep an appointment or give the county information it asked for,**
- **Go to a job,**
- **Accept a job,**
- **Go on a job search,**
- **Go to a work assignment, including workfare, or to school or training as required by the county.**
- **NOT quit a job,**
- **NOT change the hours you work to less than 30 hours per week.**

You can be disqualified for:

- **One month or until you do what you should do, whichever is later, for the first time you fail to meet food stamp work rules.**
- **Three months or until you do what you should do, whichever is later, for the second time you fail to meet food stamp work rules.**
- **Six months or until you do what you should do, whichever is later, for the third time you fail to meet food stamp work rules.**

**NOTE: DON'T ASK FOR A STATE HEARING OR CALL THE COUNTY ABOUT THIS CHANGE NOW. IF YOU GET A NOTICE OF ACTION, YOU WILL BE ABLE TO ASK FOR A STATE HEARING.**

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## Alien Eligibility Changes

**With respect to all new applicants**, to get food stamps you **must** be a United States citizen, unless:

- You are a veteran or on active duty in the United States military or you are the spouse or dependent child of a veteran or member of the military, **OR**
- You have 40 calendar quarters of earnings that qualify for Social Security. Effective January 1, 1997, quarters worked while you get federally funded public benefits (such as AFDC) will not count. (Ask your worker which federally funded programs will make your quarters not count), **OR**
- You are in the United States under certain sections of the Immigration and Nationality Act. You may be eligible for five years from the date you:
  - were admitted as a refugee under Section 207, **OR**
  - have been granted asylum under Section 208, **OR**
  - had your deportation stayed under Section 243(h)

**NOTE:** Don't ask for a state hearing or call the County about this change now. If you get a Notice of Action, you will be able to ask for a state hearing.

**With respect to current recipients**, the changes which apply to new applicants will not apply and you will continue to be eligible for food stamps until further instructions are received from the federal government.

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